

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court	District Northern District of Texas (Fort Worth)
Name (under which you were convicted): Alvaro Jovani Rangel-Ramirez	
Docket or Case No.: 4:21-cr-00123-O-1	
Place of Confinement: FCI MCDOWELL, P.O.BOX 1009, WELCH, WV 24801	Prisoner No.: 38516-509
UNITED STATES OF AMERICA	Movant (include name under which convicted) V. Alvaro Jovani Rangel-Ramirez

MOTION

1. (a) Name and location of court which entered the judgment of conviction you are challenging:

United States District Court 501 West 10th Street, Room 310, Fort Worth, TX 76102

(b) Criminal docket or case number (if you know):

2. (a) Date of the judgment of conviction (if you know): 9/3/2021

(b) Date of sentencing: 9/3/2021

3. Length of sentence: 60 months

4. Nature of crime (all counts):

21 U.S.C. § 846 (21 U.S.C. § 841(a)(1) and (b)(1)(D)) Conspiracy to Possess with Intent to Distribute a Controlled Substances

(1)

18 U.S.C. §§ 922(n) and 924(a)(1)(D) Receipt of a Firearm While Under Felony Indictment

(2)

5. (a) What was your plea? (Check one)

(1) Not guilty ☐

(2) Guilty ☒

(3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or what did you plead guilty to and what did you plead not guilty to?

N/A

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☐

Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing?

Yes ☐

No ☒

8. Did you appeal from the judgment of conviction?

Yes ☒

No ☐

9. If you did appeal, answer the following:

- (a) Name of court: N/A
- (b) Docket or case number (if you know): N/A
- (c) Result: N/A
- (d) Date of result (if you know): _____
- (e) Citation to the case (if you know): N/A
- (f) Grounds raised:
N/A

(g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☒ No ☐

If "Yes," answer the following:

- (1) Docket or case number (if you know): N/A
- (2) Result: N/A
- (3) Date of result (if you know): _____
- (4) Citation to the case (if you know): N/A
- (5) Grounds raised:
Unknown at this time. N/A

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?

Yes ☐ No ☒

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: N/A
- (2) Docket or case number (if you know): N/A
- (3) Date of filing (if you know): _____
- (4) Nature of the proceeding: N/A
- (5) Grounds raised: N/A

N/A

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐No ☒

(7) Result: N/A

(8) Date of result (if you know):

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: N/A

(2) Docket of case number (if you know): N/A

(3) Date of filing (if you know):

(4) Nature of the proceeding: N/A

(5) Grounds raised:

N/A

(6) Did you receive a hearing where evidence was given on your motion, petition, or application?

Yes ☐No ☒

(7) Result: N/A

(8) Date of result (if you know):

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition:

Yes ☐No ☒

(2) Second petition:

Yes ☐No ☒

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

N/A

-
12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: INEFFECTIVE ASSISTANCE OF COUNSEL HALL DURING THE PLEA PHASE, PRETRIAL, AND SENTENCING PHASE

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Petitioner submits that Counsel Hall was ineffective during the plea phase, pretrial and sentencing phase because Counsel failed to investigate, procure and provide documents, apprise Petitioner of the facts, omitted and misled Petitioner with vital case information, demonstrated half-heartedness performance, failed to explain the PSR and the information contained in the PSR and any Objections, failed to inform Petitioner of any plea negotiation attempts, failed to present Petitioner with the plea document, failed to adequately consult with Petitioner, and indicated that Petitioner should just plea guilty because Petitioner was going to lose.

Had Counsel Hall apprised, properly informed, procured vital documents, not misled or deceived Petitioner, engaged in plea negotiations, investigated the actual facts, and challenged self serving statements used against Petitioner, Petitioner would not have entered a plea of guilty and in its stead proceeded to trial or sought the most favorable plea offer.

* Please See Affidavit Attached herein.

(b) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

Not direct appeal filed, unable to identify all grounds due to lack of resources, ineffective assistance of counsel, and record underdeveloped at this time.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know): N/A

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

N/A

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

N/A

Docket or case number (if you know): N/A

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

N/A

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

N/A

GROUND TWO: INEFFECTIVE ASSISTANCE OF COUNSEL HALL FOR FAILURE TO PROCURE AND PROVIDE AN THE EVIDENCE

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Petitioner submits that Counsel was ineffective for his failure to procure and provide the documents. Counsel Hall was not effective during his providing of advise to Petitioner. However, Counsel persisted in moving forward with several the case to which Petitioner was not shown the evidence or explained the actual facts, and his decisions. The records will show the inactions and failure to perform of Counsel in certain occassions failed to provide effective assistance. Petitioner entered a plea of guilty with omitted information, misunderstood information and without the awareness and understanding of the full version of the facts rendering ineffective assistance of counsel and a null and void plea of guilty.

Had Counsel apprised, properly informed, procured an interpreter, not misled or decieved Petitioner, engaged in plea negotiations, investigated that facts, and challenged self serving statements used against Petitioner, Petitioner would not have enetered a plea of guilty and in its stead proceeded to trial or sought the most favorable plea offer.

* Please See Affidavit Attached herein.

(b) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

No direct review, unable to identify all grounds due to lack of resources, ineffective assistance of counsel, and record underdeveloped at this time.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know): N/A

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

N/A

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

N/A

Docket or case number (if you know): N/A

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

N/A

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

N/A

GROUND THREE: COUNSEL HALL WAS INEFFECTIVE FOR HIS DEFECTIVE ADVICE AND INTENTIONAL INACCURATE AND MISLEADING OF FACTS

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Petitioner submits that Counsel Hall was ineffective for his defective advice intentional inaccurate and misleading of advice and facts to Petitioner. Counsel Hall failed to explain the PSR to Petitioner and advised Petitioner to agree by saying yes to the Judge.

* Please See Affidavit Attached herein.

Had Counsel Hall apprised, properly informed, documents, not misled or deceived Petitioner, engaged in plea negotiations, investigated that facts, and challenged self serving statements used against Petitioner, Petitioner would not have entered a plea of guilty and in its stead proceeded to trial or sought the most favorable plea offer.

* Please See Affidavit Attached herein.

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

No direct review, unable to identify all grounds due to lack of resources, ineffective assistance of counsel, and record underdeveloped at this time.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know): N/A

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

N/A

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

N/A

Docket or case number (if you know): N/A

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

N/A

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

N/A

GROUND FOUR: COUNSEL HALL'S INEFFECTIVE ASSISTANCE RENDERS VOIDS PETITIONER'S GUILTY PLEA BECAUSE IT WAS ENTERED UNKNOWNLY, UNINTELLIGENTLY, AND INVOLUTARILY

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Petitioner submits that his Guilty plea was unconstitutionally entered rendering null and void because it was entered unknowingly, unintelligently and involuntarily due to Counsels' misleading, inaccurate, deceptive, and ommited set of facts and advice. The PSR was not explained, the elements to the charges, the Sentencing Guidelines and Petitioner's Level on the U.S.S.G. Counsel exhibited his desire to a speedy disposition of Petitioner's case.

Had Counsels apprised, properly informed, procured an interpreter for the documents, not misled or decieved Petitioner, engaged in plea negotiations, investigated that facts, and challenged self serving statements used against Petitioner, Petitioner would not have enetered a plea of guilty and in its stead proceeded to trial or sought the most favorable plea offer.

* Please See Affidavit Attached herein.

(b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

No direct review, unable to identify all grounds due to lack of resources, ineffective assistance of counsel, and record underdeveloped at this time.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐

No ☒

(2) If you answer to Question (c)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know): N/A

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

N/A

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐

No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐

No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?

Yes ☐

No ☒

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

N/A

Docket or case number (if you know): N/A

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

N/A

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

N/A

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

Unable to identify all grounds due to lack of resources, ineffective assistance of counsel, and record underdeveloped at this time.

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

N/A

15. Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging:

(a) At the preliminary hearing:

Phillip E Hall Law Office of Francisco Hernandez

(b) At the arraignment and plea:

Phillip E Hall Law Office of Francisco Hernandez

(c) At the trial:

N/A

(d) At sentencing:

Phillip E Hall Law Office of Francisco Hernandez

(e) On appeal:

N/A

(f) In any post-conviction proceeding:

N/A

(g) On appeal from any ruling against you in a post-conviction proceeding:

N/A

16. Were you sentenced on more than one court of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

N/A

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.*

This motion is timely.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant the following relief:

Grant an evidentiary hearing to allow Petitioner to present testimony, witnesses and evidence to support his claims. In addition, Petitioner respectfully requests the appointment of counsel.

or any other relief to which movant may be entitled.

Pro se

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on 9/9/2022
(month, date, year)

Executed (signed) on 9/9/2022 (date)


Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion.

1 **Alvaro Jovani Rangel-Ramirez**

2 Reg. No. 38516-509

3 FCI MCDOWELL

4 Federal Correctional Institution

5 P.O.BOX 1009

6 WELCH, WV 24801

7 **Alvaro Jovani Rangel-Ramirez,**

8 Plaintiff(s),

9 vs.

10 UNITED STATES OF AMERICA,

11 Defendant(s).

) Case Number: **4:21-cr-00123-O-1**

)
) DECLARATION OF **Alvaro Jovani Rangel-**
) **Ramirez** IN SUPPORT OF PETITIONER
) **Rangel-Ramirez's** TITLE 28 USC Section
) 2255 PETITION

12
13 I, **Alvaro Jovani Rangel-Ramirez**, #38516-509, am over the age of 18 years old, and I
14 declare as follows:

15 1. I have personal knowledge of all facts stated in this declaration, and if called to
16 testify, I could and would testify competently thereto.

17
18 2. I state that Counsel Phillip E Hall did not consult, inquire or investigate to my requests
19 when I would tell him to Object of file Motions. He was ineffective for his failure to object and
20 file motions when asked to, and providing, or indicating to Petitioner any or at all a logical
21 explanation to his actions and inactions contrary to Petitioner's wishes. Counsel Hall never told
22 me we had court for pleading guilty they just called me not even knowing that I had court that
23 day. When we get there, I told Counsel Hall if he could ask for an extension or tell the lawyer I
24 was going to find a new lawyer because my attorney was not doing anything for me, he said "No,
25 that all I could do was either plea guilty or go to trial and get 10 years." So, I had no other choice
26 but to plea guilty to something I wasn't guilty of.
27
28

DECLARATION OF **Alvaro Jovani Rangel-Ramirez** IN SUPPORT OF PETITIONER
Alvaro's TITLE 28 USC Section 2255 PETITION CASE NO. **4:21-cr-00123-O-1**

1 3. Petitioner told Counsel Hall for me to get charged with conspiracy at trial they need 2
2 or more people he said no that all they needed was me and if I took it to trial, I was going to
3 loose. I told him in order to get charged for 924(c) they had to prove all the elements for that
4 charge, and they couldn't prove it. He said I was going to lose. Counsel was lying to me so that I
5 would sign the plea deal.

6
7 4. My mother was forced to make statements indicating that what was found in the house
8 was mine, this happened during the second raid. She was threatened by being told she was going
9 to get charged and my dad as well. That they were going to get a lot of time and get deported.
10 Because of these threats my mom said everything was mine.

11
12 5. The first time they raided I told them everything was mine in the house which was
13 nothing but like a quarter pound of marijuana that was going to get dropped to a misdemeanor and
14 3 guns. I was not a felon at the time they got that, so they gave me possession of a firearm by
15 unauthorized was a misdemeanor. Second time I was not a felon either, so they charged me with
16 receipt of a firearm while under felony indictment I never even went to court for it because of
17 covid. Never pleaded guilty to it either. I was at county.

18
19 6. I indicated to Counsel Hall to file a motion that the first time they raided my house I
20 **had guns because 2 months before the raid I was shot while I was at a store. At the store**
21 **the store clerk called the police and made a report and 2 weeks later detective called me**
22 **saying I was a victim of a shooting that went on at the store,** I said "Yes", then he asked me
23 who the people were that shot or if I knew anything, I said, "No." he said then he couldn't help
24 me.

25
26 7. He said that I had to prove that I was shot at the store police had surveillance of the
27 shooting and collected all the bullet shells which were 20 plus bullet shells. I have pictures and
28

1 videos of where the cad got hit at. That was my proof for that motion, and he told me he would
2 argue that at sentencing and he did not do nothing.

3
4 8. I was given 2 points on my criminal history category for being on probation before
5 they raided the house the first time, **I was done with my probation months before that, so I**
6 **was clearly not on probation.**

7
8 9. I told Counsel Hall I was guilty on my first charges first time they raided the house all
9 that was mine and I admitted to it police said they knew what I was doing and that they knew the
10 ones that messaged me for an ounce of weed, so, I said yeah, I do sell weed that's it.

11
12 10. But the second raid I would hardly be at that house and none of that was mine. The
13 house was not under my name or anything. I also told Hall he wasn't helping that I needed a new
14 lawyer, he said, "The Feds wouldn't give me another lawyer that I had to pay for another one."
15 Counsel Hall was a paid lawyer.

16
17 11. Petitioner was never informed by counsel of any plea negotiations, investigations,
18 evidence, sentencing guidelines, Petitioner's offense level, did not review the PSR with
19 Petitioner, or explain the substance of the PSR to Petitioner. Petitioner is unaware of any
20 Objections filed challenging the information in the PSR, failed to properly and effectively
21 consult with Petitioner to apprise and inform Petitioner of the benefits of pleading guilty or
22 opting to trial.

23
24 12. Counsel Hall failed to engage in investigative procedures to determine the accuracy
25 of the total amount attributed to Petitioner.

26
27 13. Counsel Hall intentionally and deliberately provided defective, deceptive and
28 inaccurate advice to Petitioner in order to coerce and mislead Petitioner into pleading guilty.

1 14. Counsel Hall abandoned Petitioner's best interests during the pretrial and following
2 phases.

3
4 15. Had Counsel Hall properly advised, apprised, and informed Petitioner of all the facts,
5 information, and evidence of the case Petitioner would not have pleaded guilty and instead
6 proceeded to trial, or engaged in plea negotiations to obtain a favorable plea offer and would
7 have been able to properly challenge the evidence and presented a defense.

8
9 16. Petitioner states that Counsel directed Petitioner to enter a plea of guilty and to agree
10 to everything.

11
12 17. Petitioner Rangel-Ramirez has submitted a more detailed explanation of the facts.
13 See Exhibit: A (attached herein).

14
15 18. I declare under penalty of perjury under the laws of the United States that the
16 foregoing is true and correct and that this declaration was executed on September 11, 2022.

17
18 September 11, 2022

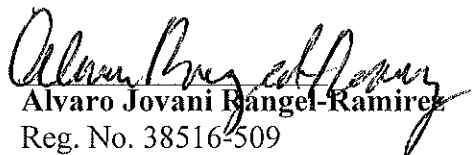
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20 
21 Alvaro Jovani Rangel-Ramirez
22 Reg. No. 38516-509
23 FCI MCDOWELL
24 Federal Correctional Institution
25 P.O.BOX 1009
26 WELCH, WV 24801
27
28

Exhibit: A

~~to find~~ to they found guns in cars that different
 me and in different rooms of the house they charged me
 with all the guns they found in our parked outside of the
 house and in different rooms of the house they left a
 warrant for my arrest for 924C and conspiracy of distributing
 marijuana they set me up with a girl 3 weeks after they said
 I was gonna get set with her, told my lawyer I felt like I could
 beat both charges and that he said I had no chance
 that I was better off signing a plea deal he brought me
 with was 924C and conspiracy of marijuana I told
 him in order for me to be guilty they have to prove all elements
 for both charges conspiracy is 2 or more so that could of been dropped
 to possession the guns weren't mine and I wasn't at the house at
 the time they searched the house there was no way they could
 charge me for it if I didn't own the house and I wasn't there at
 the time of search they questioned my brothers and sisters
 and they all said they didn't know nothing I told my lawyer
 to tell the prosecutor to charge me with possession of marijuana
 and give me a 2 year probation for the guns instead of
 being charged with 2 separate charges he told me not to
 even push it because if I kept fucking with the prosecutor he
 was gonna add more charges. we left it at that and came to
 see me 3 months later that I had to sign for the plea deal
 I told him I wasn't ready that I might just find another lawyer
 and he told me that I couldn't do that because court was coming
 up he pressured me to signing for the plea deal so I signed
 the same day or near after he left I told my people to
 call him and tell him to not turn in that paper yet he
 I was busy gonna find a lawyer he said ok this was on a Friday
 Monday I had court to plead guilty he never told me I had court
 coming up when I got to court I was like yo I'm not ready
 to plead guilty I told you I was just gonna find a new
 lawyer because I didn't feel like he was helping me
 he told me I had no option that I had to plea guilty or not guilty

to give me my extension, that I was going to have a new lawyer because I felt like my lawyer wasn't helping he said no other you are guilty or you go to trial and lose and get 10 years so I just said ok I will sign the deal then since you gave me the offer after that I did my plea and it came back my plea charge 2 counts of 2nd degree murder at 55 they asked if I was charged for me having more than 7 guns and if more for carrying weapons or not with guns around the house so that that me to 28 points criminal history points at 35 I told him to object to the 4 points for having more than 7 guns because I was only responsible for 3 guns told him to object the 4 points for having weapons around the guns because the guns and drugs were in separate rooms drugs were in the garage guns were in the rooms of the house so I couldn't have been protecting the drugs in direct rooms I told him to file motion up 5K2.1 I think because the reason I had guns was because I was scared for my life 3 months before the case I was shot at a gun store 20 ft shots I had pictures of the car and the store clerk filed a report that there was a shoot out at the store a detective called me and told me I was victim of the shoot out because he ran my plates and that was my car I took things but I didn't know who the people were they collected all the bullet shells from the store and got surveillance of the scene I also got 2 points to my criminal history because they said I was in probation and I wasn't told my lawyer object to that as well he didn't want to see me until the ~~day~~ day before my sentencing I asked if he objected to any of the things I told him to object to and the motion I told him to submit and he said he didn't do and if it he told me if I did any of that that the prosecutor was going to get mad and give me more time he said he would bring the objections and file motion up to the judge at the day of my sentencing and he never did that the day of sentencing he didn't argue nothing he told me not to say anything to the judge because I would piss him off and he would give me an upward departure to my sentence.

CERTIFICATE OF SERVICE

I, Alvaro Jovani Rangel-Ramirez, hereby certify that I have served a true and correct copy of:

Petitioner Rangel-Ramirez's: Title 28 U.S.C. Section 2255 Petition; Affidavit and Exhibit.

[which is considered filed/served at the moment it was delivered to prison authorities for mailing as provided for in *Houston v. Lack*, 487 U.S. 266, 101 complete copy of the above-described materials in a sealed envelope affixed with the appropriate pre-paid first-class United States postage:

United States District Court
501 West 10th Street, Room 310
Fort Worth, Texas 76102


and deposited same with prison officials here at:

FCI MCDOWELL
FEDERAL CORRECTIONAL INSTITUTION
P.O.BOX 1009
WELCH, WV 24801

Pursuant to Title 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

September 9, 2022

Sign Name: _____


ALVARO JOVANI RANGEL-RAMIREZ
Reg. No. 38516-509
FCI MCDOWELL
FEDERAL CORRECTIONAL INSTITUTION
P.O.BOX 1009
WELCH, WV 24801

**Motion to Vacate, Set Aside, or Correct a Sentence By a Person in Federal Custody
(Motion Under 28 U.S.C. § 2255)**

INSTRUCTIONS

1. To use this form, you must be a person who is serving a sentence under a judgment against you in a federal court. You are asking for relief from the conviction or the sentence. This form is your motion for relief.
2. You must file the form in the United States district court that entered the judgment that you are challenging. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file the motion in the federal court that entered that judgment.
3. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
4. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a brief or arguments, you must submit them in a separate memorandum.
5. A filing fee is not required to file a motion to vacate, set aside or correct a federal sentence under 28 USC 2255.
6. In this motion, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different judge or division (either in the same district or in a different district), you must file a separate motion.
7. When you have completed the form, send the original and one copy to:
~~Clerk, United States District Court~~
~~Northern District of California~~
~~450 Golden Gate Ave.~~
~~San Francisco, CA 94123~~
8. If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
9. CAUTION: You must include in this motion all the grounds for relief from the conviction or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this motion, you may be barred from presenting additional grounds at a later date.
10. CAPITAL CASES: If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.